

10/534543

Docket No. 271515US0PCT

JC20 Rec'd PCT/PTO 10 MAY 2005

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: Helmut AUWETER, et al.

SERIAL NO: New U.S. PCT Application Based on PCT/EP03/12557

GAU:

FILED: Herewith

EXAMINER:

FOR: PULVERULENT PHYTOSTEROL FORMULATIONS

#3

## INFORMATION DISCLOSURE STATEMENT UNDER 37 CFR 1.97

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313

SIR:

Applicant(s) wish to disclose the following information.

## REFERENCES

- ☒ The applicant(s) wish to make of record the references listed on the attached form PTO-1449. Copies of the listed references are attached, where required, as are either statements of relevancy or any readily available English translations of pertinent portions of any non-English language references.
- ☐ A check or credit card payment form is attached in the amount required under 37 CFR §1.17(p).

## RELATED CASES

- ☐ Attached is a list of applicant's pending application(s), published application(s) or issued patent(s) which may be related to the present application. In accordance with the waiver of 37 CFR 1.98 dated September 21, 2004, copies of the cited pending applications are not provided. Cited published and/or issued patents, if any, are listed on the attached PTO form 1449.
- ☐ A check or credit card payment form is attached in the amount required under 37 CFR §1.17(p).

## CERTIFICATION

- ☐ Each item of information contained in this information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement.
- ☐ No item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to the knowledge of the undersigned, having made reasonable inquiry, was known to any individual designated in 37 CFR §1.56(c) more than three months prior to the filing of this statement.

## DEPOSIT ACCOUNT

- ☒ Please charge any additional fees for the papers being filed herewith and for which no check or credit card payment is enclosed herewith, or credit any overpayment to deposit account number 15-0030. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.

Norman F. Oblon

Registration No. 24,618

Customer Number

22850

Tel. (703) 413-3000  
Fax. (703) 413-2220  
(OSMMN 05/03)

Surinder Sachar

Registration No. 34,423

Form PTO 1449 (Modified)		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		ATTY DOCKET NO. 271515US0PCT		SERIAL NO. 101534543	
LIST OF REFERENCES CITED BY APPLICANT				New U.S. PCT Application Based on PCT/EP03/12557			
				APPLICANT Helmut AUWETER, et al.			
				FILING DATE Herewith		GROUP	
U.S. PATENT DOCUMENTS							
EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROPRIATE	
	AA	2002/0048606	04/25/02	ZAWISTOWSKI, Jerzy			
	AB	6,391,370	05/21/02	ROGERS, Richard B. et al.			
	AC	6,576,285	06/10/03	BADER, Primo et al.			
	AD	4,522,743	06/11/85	HORN, Dieter et al.			
	AE	3,865,939	02/11/75	JANDACEK, Ronald James			
	AF	5,244,887	09/14/93	STRAUB, Carl D.			
	AG						
	AH						
	AI						
	AJ						
	AK						
	AL						
	AM						
FOREIGN PATENT DOCUMENTS							
	DOCUMENT NUMBER	DATE	COUNTRY	TRANSLATION YES NO			
	AN	01/00046	01/04/01	WO(with English abstract)			NO
	AO	2 817 478	06/07/02	FR			NO
	AP	02/17892	03/07/02	WO			NO
	AQ	01/32036	05/10/01	WO			NO
	AR	0 289 636	11/09/88	EP			NO
	AS	01/37681	05/31/01	WO			NO
	AT	2 232 573	12/19/90	GB			NO
	AU	0 556 883	08/25/93	EP			NO
	AV	0 065 193	11/24/82	EP			NO
OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, etc.)							
	AW	Brita SJÖSTRÖM et al.: "A Method for the Preparation of Submicron Particles of Sparingly Water-Soluble Drugs by Precipitation in Oil-in-Water Emulsions. II: Influence of the Emulsifier, the Solvent, and the Drug Substance" Journal of Pharmaceutical Sciences, American Pharmaceutical Association, Washington, US, Vol. 82, No. 6, pages 504-589, June 1993. XP000367863					
	AX						
	AY						
	AZ					<input type="checkbox"/> Additional References sheet(s) attached	
Examiner				Date Considered			
*Examiner: Initial if reference is considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.							

New U.S. PCT Application Based on PCT/EP03/12557  
Docket No.: 271515US0PCT

STATEMENT OF RELEVANCY

- 1) References AA-AD, AN-AQ and AW have been cited in the International Search Report. Copies of these references are being submitted herewith only when not automatically provided by the International Searching Authority.
- 2) References \_\_\_\_\_ have been cited in the corresponding \_\_\_\_\_ Search Report. A copy of these references is being submitted herewith.
- 3) References AE, AF and AR-AV are discussed in the specification. A copy of these references is being submitted here with.
- 4) Reference \_\_\_\_\_ is additional prior art known to Applicant. A copy of these references is being submitted herewith.